



03-12-03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

1645
#7
SB
4/24/03

Application of:

Juan Saus

Serial No.: 10/008,721

Filed: December 7, 2001

For: TNF-Inducible Promoters And Methods
For Using

Art Unit: 1645

Examiner: To be assigned

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

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1. We are transmitting herewith the attached papers for the above-identified patent application:

- ☒ Information Disclosure Statement (9 sheets);
- ☒ Information Disclosure Statement Form 1449 (4 sheets);
- ☒ Copy of International Search Report from PCT App. No. PCT/EP01/14412 (6 sheets);
- ☒ 51 cited References
- ☒ Return Receipt Postcard

2. With respect to fees:

☒ No fee is due.

☐ Please charge the total filing fee of \$0.00 to our Deposit Account No. 13-2490.
A duplicate copy of this sheet is enclosed.

3. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 17th day of **March, 2003**. Express Mail No. **EV214228005US**.

By:

David S. Harper
Registration No. 42,636



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

PATENT

In the Application of: Saus, J)
)
) Art Unit: 1645
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Serial No. 10/008721) Examiner: To be assigned
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Filed: December 7, 2001)
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Title: TNF-Inducible Promoters and Methods for Using)

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INFORMATION DISCLOSURE STATEMENT

MAR 14 2003

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☐ the fee of \$180 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of \$180.00.
☐ Charge Deposit Account No. 13-2490 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.


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I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231, Attn: RO/US, with sufficient postage, on this 11th day of March, 2003 under Express Mail Certificate No. **EV214228005US**.

Respectfully submitted,

Date: _____

3/11/03



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U.S. Serial No.: _____
Filing Date: _____

I. Foreign Documents

1. WO 00/50607, published Aug. 31, 2000

II. Other Documents

2. Aggarwal et al. (2001) TNF α in *Cytokine Reference. A compedium of cytokines and other mediators of host defense* Oppenheim, J.J eds. Vol. 1 (Academic Press Ltd., London), pp 413-447.
3. Beck et al. (1992) DNA sequence analysis of 66 kb of the human MHC class II region encoding a cluster of genes for antigen processing. Database Accession Number X66401.
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7. Casciola-Rosen, L.A., Anhalt, G. and Rosen, A. (1994) Autoantigens targeted in systemic lupus erythematosus are clustered in two populations of surface structures on apoptotic keratinocytes. *J. Exp. Med.* **179**, 1317-1330.
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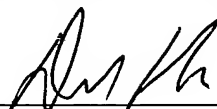
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III. Discussion

In accordance with MPEP Sections 609 and 707.05(b), it is requested the documents cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Date: 3/11, 2003

Respectfully Submitted,

By: 

David Harper

Reg. No. 42,636

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FORM PTO-1449
(Rev. 2-32)U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

Serial No.

98,723-E1

10/008721

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

Applicant: Saus, J

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December 7, 2001

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FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation Yes No
1.	WO 00/50607	Aug. 31, 2000	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

2.	Aggarwal et al. (2001) <i>TNFα in Cytokine Reference. A compedium of cytokines and other mediators of host defense</i> Oppenheim, J.J eds. Vol. 1 (Academic Press Ltd., London), pp 413-447.
3.	Beck et al. (1992) DNA sequence analysis of 66 kb of the human MHC class II region encoding a cluster of genes for antigen processing. Database Accession Number X66401
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

		current boom in anti-TNF α treatment. Is there an effective means to define therapeutic targets for drugs that provide all the benefits of anti-TNF α and minimise hazards? Ann. Rheum. Dis. 58 Suppl1, I27-31.
	12.	Gavalas, A. and Zalkin, H. (1995) Analysis of the chicken <i>GPAT/AIRC</i> bi-directional promoter for <i>de novo</i> purine nucleotide synthesis. J. Biol. Chem. 270 , 2403-2410.
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	24.	Momota, R., Sugimoto, M., Oohashi, T., Kigasawa, K., Yoshioka, H. and Ninomiya, Y. (1998) Two genes, <i>COL4A3</i> and <i>COL4A4</i> coding for the human α 3(IV) and α 4(IV) collagen chains are arranged head-to-head on chromosome 2q36. FEBS Lett. 424 , 11-16.
	25.	Nadal, M., Moreno, S., Pritchard, M., Preciado, M.A., Estivill, X., and Ramos-Arroyo, M.A. (1997) Down syndrome: characterisation of a case with partial trisomy of chromosome 21 owing to a paternal balanced translocation (15;21) (q26;q22.1) by FISH. J. Med. Genet. 34 , 50-54.
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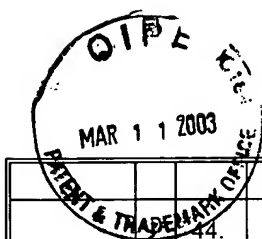
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

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